

III. Remarks

Reconsideration of this application is respectfully requested in light of the above amendments and the following remarks. Claims 1-36 were originally submitted in the present application. Since the original filing, claims 9, 16, 18, 20, and 35-36 have been canceled and claims 37-39 have been added. Accordingly, claims 1-8, 10-15, 17, 19, 21-34, and 37-39 are currently pending. All pending claims were rejected in the Office Action for being anticipated by U.S. Patent No. 5,891,144 to Mata (“Mata”). While Applicants do not agree with the characterization of Mata’s teaching in the Office Action, Applicants have amended the independent claims to expedite the allowance the present application. In particular, Applicants have amended claims 1, 13, 19, 29, 30, 31 and 34 to clarify the structure of the claimed external fixator. Appropriate amendments to the dependent claims have also been made to accommodate the amendments made to the independent claims. An explanation of the distinctions between Mata’s teachings and the pending claims is provided below.

IV. Arguments

Claim 1 as amended recites a fixation apparatus that includes an external fixator having first and second bone connector assemblies at its end portions. Each “bone connector [assembly is] operable to releasably couple to at least one bone pin or screw,” which can be embedded in a wrist, hand, or arm. The coupling of the bone connector assemblies and the embedded bone pins provides two points of attachment and allows the external fixator to immobilize some movements of a wrist and hand.¹ Claim 1 as amended further recites a first clamp assembly connecting the external fixator to a second clamp assembly, which is also “operable to releasably couple to at least one bone pin or screw.” As such, the second clamp assembly and the corresponding bone pin are operable to provide a third point of attachment to the wrist, hand, or arm. With an additional attachment point, the claimed fixation apparatus can further limit the movements of the wrist, hand, or arm and allows one or more bones in the wrist, hand, or arm to be firmly maintained in a healing position.² Independent claims 13, 19, 29, 30, 31, and 34 also include limitations directed to similar subject matter.

¹ Specification, paragraphs 23, 30-31; see also Figures 1, 4A-C.

² *Id.*

In contrast to the claimed apparatus, *Mata*'s fixation device is attached to a fractured bone at two points of attachment. Specifically, *Mata*'s fixation device includes "two groups of pins inserted respectively on either side of the fracture."³ Referring to figure 3 of *Mata*, *Mata* discloses that each bone fragment 1 and 2 receives at least two pins 3 and 4, which are secured by "two vices 5 and 6 cooperating with hinge elements 7 and 8."⁴ *Mata* teaches neither a third vice operable to provide a third point of attachment nor the desirability for an additional point of attachment. Whereas the claimed apparatus includes an external fixator having two bone connector assemblies operable to provide two points of attachment and a second clamp assembly operable to provide a third point of attachment, *Mata*'s vices 5 and 6 together only provide two points of attachment. With only two points of attachment, *Mata*'s fixation device would not be able to limit the movements of a wrist and maintain a healing position as effectively. Since *Mata* fails to teach each and every claimed element, it cannot be used to support the anticipation rejections asserted in the Office Action. Accordingly, Applicants respectfully request the withdrawal of the rejections asserted in the Office Action.

³ *Mata*, col. 1, lines 48-51.

⁴ *Mata*, col. 2, lines 51-61.

V. Conclusion

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and remarks. If the Examiner has any questions or comments, a telephone conference with the below-signed attorney of record is appreciated. If it is determined that additional fees are due, or if an overcharge has occurred, please charge or credit deposit account no. 13-0480, referencing Attorney Docket No. 24179785.010031US.

Respectfully submitted,

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